THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14160 OF 2001

DATED:12.8.2005

Between:

Pokala Sravanthi,

R/o.D.No.6-1-343/5

Padmarao Nagar, Secunderabad

…Petitioner

And

The Government of Andhra Pradesh

Rep. by its Secretary, Social Welfare Department

Secretariat, Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.14160 OF 2001

ORDER:

The petitioner appeared for Post Graduate Entrance Test conducted by Osmania University for prosecuting M.Sc., (Biotechnology) course for the academic year 2001-2002. At the time of her admission she claimed to belong to Scheduled Tribe 'Mannervarlu'. When her case was referred by the Director of Admissions, Osmania University, by the impugned memo dt.6.7.2001 second respondent herein opined that social status of the petitioner as 'Mannervarlu' is doubtful. Apprehending that she would be denied admission, she filed the Writ Petition before this Court seeking a declaration and consequential direction.

This Court while admitting the Writ Petition passed interim orders directing the respondents to admit the petitioner in M.Sc., (Biotechnology) course. Be it also noted that pending the Writ Petition, the petitioner has completed her course. It is *inter alia* urged that under the provisions of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short, the Act), it is not competent for the Commissioner of Tribal Welfare to cancel the admission and that certificate issued by competent authority regarding social status, unless it is set aside, is final. Reliance is placed on the judgment of this Court in **P. Kranthi v. Government of Andhra Pradesh**. In the said judgment, after referring to various provisions of the Act, this Court has laid down as under.

> The conspectus of the provisions referred to herein makes it very clear that a certificate issued by a competent authority under the provisions of Section 4 of the Act has unimpeachable finality till the same is cancelled only by the District Collector. The Commissioner of Tribal Welfare has no role to play either at the stage of issue of community certificate or cancellation of the community certificate. In view of this, the submission made by the learned G.P. for Social Welfare that so as to prevent the misuse of the benefits intended for the candidates belonging to SCs, STs and BCs, a high authority like the Commissioner of Tribal Welfare should be presumed to be vested with such inherent power to stall the benefit of integrated certificate, though looks to be attractive, cannot be accepted. Nevertheless, I should hasten to add that in view of Section 5 of the Act that the Collector can initiate action for cancellation either suo motu or on application or on a written complaint, it is always open to any other authority, including the Commissioner of Tribal Welfare, to make a written complaint to the District Collector to enquire into the genuineness of the integrated community certificate produced by a person seeking admission or appointment. On such complaint being made, the District Collector is bound to conduct enquiry having regard to the fact that the written complaint is made by a no less person than the Head of the Department of Tribal Welfare.

Be it also noted the petitioner in the above case is none other than younger sister of the petitioner herein. Therefore, the above judgment squarely applies to the facts of this case also. Accordingly, the impugned memo is set aside. However, having regard to subsequent amendment to Rule 9 of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997, the Commissioner of Tribal Welfare is competent to refer any case of doubtful social status to the District Collector for appropriate action under Section 5 of the Act. If so advised, it shall be open to the second respondent herein to refer the matter to the District Collector, who shall conduct enquiry into the genuineness of the community certificate of the petitioner and pass appropriate orders.

The Writ Petition is accordingly disposed of. No costs.

---

(V.V.S.RAO, J)

12.8.2005

bnr